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NHTSA-01-9628-31
& -01-9630-30

eurotec

MOTORS, INC

2606 Manana Drive
Dallas, Texas 75220
phone: 214.956.6966
fax: 214.956.6946

October 4, 2001

Luke Loy
National Highway Traffic Safety Administration
Room 6111
400 7th Street, S.W.
Washington, DC 20590

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DEPT. OF TRANSPORTATION

sent via fax: 202-366-1024

Dear Mr. Loy:

This letter is written in response to Docket No NHTSA-2001-9630 and on behalf of Eurotec Motors, Inc. ("Eurotec"), a Registered Importer and Independent Commercial Importer. In addition to serving as a shareholder and officer of Eurotec, I am also a former federal attorney and private practitioner since 1969.

We have read with interest the position of Ferrari North America ("FNA") and others, both in support and opposition to the petitions of JK Technologies ("JK"). Most of the issues have been covered by others, and we comment here on other matters that may not have been brought to the attention of DOT.

Based on Eurotec's firsthand knowledge, let me assure DOT that FNA's motivation in opposing JK's petition is based purely on controlling the market and nothing more.

Approximately 50% of my time is spent in Europe, where I maintain a home. Acting in my individual capacity, and sometimes on behalf of Eurotec, I have purchased and attempted to purchase new Ferrari automobiles from authorized Ferrari dealers in Italy, Germany, Holland, and Switzerland. In fact, I have purchased more than 20 such automobiles, but only through local residents of the areas where the Ferrari dealers are located. These individuals resold new Ferraris to me at a profit, which has become a standard procedure for many European entrepreneurs who are also fond of sports cars. However, when I attempted to purchase a new Ferrari 360 Modena, most dealers refused to discuss the subject, stating that they were under strict instructions from Ferrari not to sell cars to Americans under any circumstance upon threat that Ferrari would rescind that dealer's license to sell Ferraris or reduce the dealer's unit allocation. On the other hand, if

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I wanted to purchase a Ferrari 456 or a Maserati from that same dealer, he was most accommodating and willing to sell.


On at least four separate occasions I signed written contracts with Ferrari dealers for delivery of new 360 Modenas, placing substantial deposits to bind the agreements. Approximately 18 months or so later, the same Ferrari dealers refused to honor their written contracts with me stating that they had been threatened by Ferrari in Europe that to do so would result in penalties being imposed upon the dealer through reduction of unit allocation or rescission of their license to sell Ferraris. As a result of the action by Ferrari in Europe, I am now being forced to file lawsuits against Ferrari dealers in Bern, Lugano, and Geneva, Switzerland, as well as Halverson, Holland.

Eurotec urges DOT not to reward Ferrari's efforts to control the marketplace by accepting their bogus technical arguments. A free-market economy is the cornerstone of American and western European business. Ferrari should not be allowed to increase the prices of the cars it sells in the United States by creating artificial shortages in the American marketplace.

Lastly, one need only look to FNA and Ferrari of Europe's edict to their U.S. dealers not to sell parts, tools, manuals, etc. to the American owners of Euro production Ferraris to confirm that FNA and Ferrari of Europe have and are continuing to conspire to unfairly and unlawfully control and manipulate the marketplace for the 2001 Ferrari 360 Modena. My impression is that various states' attorneys general, Federal Trade Commission, and other regulatory agencies will eventually act to prevent these practices.

Your attention to these matters is greatly appreciated.

Sincerely,



Roger D. Marshall
CEO